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Dkt. 54202/JPW/JML

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David Stern et al.
Serial No. : 08/997,464
Filing Date : December 23, 1997 Art Unit: 1614
For : A METHOD FOR EVALUATING THE ABILITY OF
A COMPOUND TO INHIBIT NEUROTOXICITY

1185 Avenue of the Americas
New York, New York 10036
July 28, 1998

Assistant Commissioner for Patents
Washington, D.C. 20231
ATTN: Box Missing Parts
Sir:

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**COMMUNICATION IN RESPONSE TO MARCH 20, 1998 NOTICE
TO FILE MISSING PARTS OF APPLICATION UNDER 37 C.F.R.
§1.53(d) AND PETITION FOR A THREE-MONTH EXTENSION OF TIME**

This Communication is submitted in response to a Notice to File Missing Parts of Application under 37 C.F.R. §1.53(d) issued in connection with the above-identified patent application on March 20, 1998. A response to the March 20, 1998 Notice was originally due May 20, 1998. Applicants hereby request a three-month extension of time. The fee for a three-month extension of time is FOUR HUNDRED AND SEVENTY-FIVE DOLLARS (\$475.00) for a small entity. Applicants have previously established small entity status. Therefore, a response is now due August 20, 1998. Accordingly, this Communication is being timely filed.

Applicants attach hereto a copy of the Notice as **Exhibit A**. Applicants hereby submit an executed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(d) and in compliance with 37 C.F.R. §1.63 (**Exhibit B** hereto). The Declaration refers to the application's above-identified serial number and filing date.

The surcharge for responding to the Notice to File Missing Parts of Application under 37 C.F.R. §1.53(d) is SIXTY-FIVE DOLLARS (\$65.00) for a small entity. A check including this

David Stern et al.
U.S. Serial No.:08/997,464
Filed: December 23, 1997
Page 2

amount (\$65.00) is enclosed.

No fee other than the \$65.00 surcharge fee and the \$475.00 extension of time fee is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

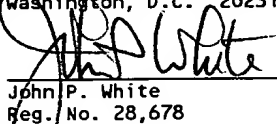
Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicants
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New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

 7/28/98
John P. White Date
Reg. No. 28,678

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UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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08/997,464 12/23/97 STERN

D 54202/JPW/SE

0362/0320

JOHN P. WHITE
COOPER & DURHAM
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

NOT ASSIGNED

1614

DATE MAILED:

03/20/98

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

5/20/98

9/20/98

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted ALONG WITH THE PAYMENT OF A SURCHARGE for items 1 and 3-6 only of \$ 63.00 for a ☐ large entity ☒ small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☒ large entity ☐ small entity (verified statement filed), is \$ 63.00

☐ 1. The statutory basic filing fee is:

☒ missing

☒ insufficient

Applicant must submit \$ _____ to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).

☒ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

☐ is missing.

☐ does not cover the newly submitted items.

☐ does not identify the application to which it applies.

☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☒ 4. The signature(s) to the oath or declaration is/are:

☒ missing

☐ by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☒ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$ _____ processing fee is required since your check was returned without payment (37 CFR 1.1(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the response.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

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